

Appl. No. 09/892,049
Atty. Docket No. 8607
Amdt. dated Oct. 16, 2003
Reply to Office Action of July 16, 2003
Customer No. 27752

REMARKS

Claims 1-20 are pending in the present application. No additional claims fee is believed to be due. Claims 7, 8 and 12 have been canceled without prejudice. Claims 1, 17 and 18 have been amended to more specifically characterize the present invention. Support for said amendments may be found in the Specification, as exemplified on page 9, lines 6-33 of the present application. No new additional claims have been added. It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested. Claims 1-6, 9-11 and 13-20 remain in the present application.

Objection under 37 CFR §1.83(a) to the Drawings

The Office Action states that "the boxes in figures 2 - 5 need to be labeled as required under 37 CFR 1.83(a)." which reads:

The drawing in a nonprovisional application must show every feature of the invention specified in the claims. However, conventional features disclosed in the description and claims, where their detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation (e.g., a labeled rectangular box). (emphasis added)

Applicants respectfully assert that Figures 2-5 do in fact meet said requirement. Figures 2-5 show "labeled rectangular boxes" to illustrate various features of the present invention (e.g., 13 is a square wave oscillator; see page 3, line 35). As such, applicants respectfully assert that this objection is improper.

Objection to the Specification

The Office Action objects to the Abstract stating "applicant is reminded of the proper language and format for an abstract of the disclosure." The Office Action more specifically stating:

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details. The language should be clear and concise and should not repeat information

Appl. No. 09/892,049
Atty. Docket No. 8607
Amdt. dated Oct. 16, 2003
Reply to Office Action of July 16, 2003
Customer No. 27752

given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc. Therefore, "Disclosed" (line 1, page 23) and "comprise" (line 2, page 23).

Applicants have amended the Abstract in accordance with the Examiner's recommendations. It should be noted that while the Abstract has been amended to be more "narrative", the original and amended Abstract do in fact fit within the range of 50 to 150 words.

Rejection under 35 USC §102 over Khoury

Claims 1-2, 4, 6-8, and 12-20 have been rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,790,034 to Khoury. Applicants have amended independent claims 1 and 17 in such a way that they earnestly believe distinguishes the present invention over the relied upon prior art. More specifically, for example, amended claims 1 and 17 include the added limitation of "*wherein the portable transmitter is a proximity indicating signal portable transmitter and is adapted to prevent entry into the cabinet by unauthorized entities.*" Applicants respectfully assert that the present invention addresses a unique problem associated with controlled access of cabinets (e.g., prevent access of home cabinets to infants, children and pets; as exemplified on page 9, lines 6-33). Applicants respectfully assert that the relied upon prior art does not teach or suggest this problem and/or solution as now claimed. Therefore, applicants respectfully assert that amended claims 1 and 17, and their respective dependent claims, are patentable.

Rejection under 35 USC §103(a) over Khoury in view of Zimmer

Claims 3, 5, and 9-10 are rejected under 35 U.S. C. 103(a) as being unpatentable over U.S. Patent No. 5,790,034 to Khoury in view of U.S. Patent No. 3,760,422 to Zimmer et al. Applicants have amended the independent claims (1 and 17) from which these claims depend (supra); as such, these dependent claims are believed to be similarly patentable.

Appl. No. 09/892,049
Atty. Docket No. 8607
Amdt. dated Oct. 16, 2003
Reply to Office Action of July 16, 2003
Customer No. 27752

CONCLUSION

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the aforementioned objections and rejections. Early and favorable action in the case is respectfully requested.

Applicants have made an earnest effort to place their application in proper form and to distinguish the invention as now claimed from the applied references. In view of the foregoing, Applicants respectfully request reconsideration of this application, entry of the amendments presented herein, and allowance of claims 1-6, 9-11 and 13-20.

Respectfully submitted,
Joseph R. Diehl et al.

By 

Jack L. Oney, Jr.
Attorney for Applicant(s)
Registration No. 42,964
(513) 626-3047

October 16, 2003
Customer No. 27752
(8607 Amendment to OA 7-16-03)